

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 16, 2014

AMENDED IN ASSEMBLY JUNE 9, 2014

AMENDED IN SENATE MAY 1, 2014

**SENATE BILL**

**No. 1467**

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**Introduced by Committee on Business, Professions and Economic Development (Senators Lieu (Chair), Berryhill, Block, Corbett, Galgiani, Hernandez, Hill, Padilla, and Wyland)**

March 25, 2014

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An act to amend Sections 5000, 5070, 5070.5, 5093, 5096, 5096.4, 6730.2, 6735, 6759, 7842, 7860, 8771, 17901, 17913, 17914, 17916, and 22454 of, and to add Sections 7864 and 8725.1 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1467, as amended, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Under existing law, the California Board of Accountancy licenses and regulates accountants. The board consists of 15 members, and of those the Governor is required to appoint 7 members who are licensees representing a cross section of the accounting profession with at least 2 members representing a small public professional firm, as defined. Existing law prohibits a person from engaging in the practice of public accountancy in this state unless he or she holds either a valid permit issued by the board or a practice privilege, as specified. Existing law

requires an applicant for registration to furnish satisfactory evidence that the applicant is entitled to registration.

This bill would delete the requirement that 2 of the board members represent a small public professional firm. The bill would authorize the board to collect, but not require, a valid electronic mail address at the time of application for, or renewal of, a certified public accountant license. The bill would provide that these electronic mail addresses shall not be considered public records and would prohibit these electronic mail addresses from being disclosed pursuant to specified provisions of law, unless required pursuant to a court order.

Existing law sets forth education, examination, and experience requirements for a certified public accountant license, and requires an applicant to show, to the satisfaction of the board, that he or she has one year of qualifying experience, including any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills. Existing law requires the experience to have been performed in accordance with applicable professional standards in order to qualify, and to be completed under the supervision or in the employ of a person licensed to engage in the practice of public accountancy, as specified.

This bill would authorize the board, by regulation, to allow experience in academia to satisfy the one-year requirement described above.

Existing law, until January 1, 2019, authorizes an individual whose principal place of business is not in this state and who has a valid and current license, certificate, or permit to practice public accountancy from another state to engage in the practice of public accountancy in this state under a practice privilege without obtaining a certificate or license, if certain conditions are met. Existing law subjects an individual who holds a practice privilege to certain requirements, including, among others, that the individual shall notify the board of any pending criminal charges, other than a minor traffic violation, in any jurisdiction.

This bill would instead subject an individual holding and exercising a practice privilege in this state to the requirements described above. The bill would also require the individual to report the criminal charges described above to the board in writing within 30 days of the date the individual has knowledge of those charges.

Existing law, until January 1, 2019, authorizes the board to administratively suspend an individual's right to practice in this state under a practice privilege at any time by an order issued by the board or its executive officer, without prior notice or hearing, for the purpose

of conducting a disciplinary investigation, proceeding, or inquiry concerning the representations made in the notice, the individual's competence or qualifications to practice under practice privileges, failure to timely respond to a board inquiry or request for information or documents, or under other conditions and circumstances provided for by board regulation. Existing law, beginning January 1, 2019, additionally requires the board to consult the Public Company Accounting Oversight Board (PCAOB) and the United States Securities and Exchange Commission on an every 6-month basis to identify out-of-state licensees who may have disqualifying conditions, or may be obliged to cease practice, and to disclose whether those out-of-state licensees are lawfully permitted to exercise the privilege. Existing law provides that disclosure of this information is not to be considered discipline.

This bill would instead require the board to consult with the PCAOB and the United States Securities and Exchange Commission at least once every 6 months, as specified, until January 1, 2019, and would delete those provisions after that date.

This bill would make technical, nonsubstantive changes, and would delete an obsolete provision.

(2) The Professional Engineers Act provides for the regulation and licensure of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. Existing law requires all civil engineering plans, calculations, specifications, and reports to be prepared by, or under the responsible charge of, a licensed civil engineer, as specified.

This bill would require all civil engineering plans, calculations, specifications, and reports for the construction of all hospitals and other medical facilities having surgery and emergency treatment areas to be prepared by, or under the responsible charge of, a licensed ~~architect holding a valid certificate or a~~ licensed civil engineer who is also licensed as a structural engineer. The bill would require that all civil engineering plans, calculations, specifications, and reports for the construction of all public school structures be prepared by, or under the responsible charge of, a licensed *architect holding a valid certificate or a licensed* civil engineer who is also licensed as a structural engineer.

Existing law requires an applicant for registration as a professional engineer, among other things, to furnish evidence of 6 years or more of qualifying experience in engineering work, as specified, and to successfully pass the second division of the licensure examination.

Existing law authorizes the board to issue a certificate of registration as a professional engineer, without a written examination, to a person holding a certificate of registration issued by another state or country if the applicant's qualifications meet the requirements of the act. For purposes of these provisions, the act requires equivalent second division examinations to be 8-hour written examinations prepared or administered by a state or territory, as specified.

This bill would delete the requirement that an equivalent second division examination be an 8-hour examination.

(3) Under the Geologist and Geophysicist Act, the Board for Professional Engineers, Land Surveyors, and Geologists registers and regulates professional geologists and professional geophysicists and certifies applicants in specialties in geology and geologists-in-training. Existing law requires an applicant seeking certification as a petroleum geologist to meet certain requirements including, among other things, having performed a minimum of 3 years of professional geological work under the supervision of a registered petroleum engineer.

This bill would delete the provisions relating to petroleum geologists described above. The bill would also make technical, nonsubstantive changes to one of these provisions.

Existing law, under the Geologist and Geophysicist Act, sets forth procedures for the discipline of a registrant or certificate holder, as specified, subject to provisions governing administrative proceedings.

This bill would set forth additional procedures that would apply to a registrant or certificate holder who has been subject to discipline and who petitions the board for reinstatement or modification of penalty, as specified.

(4) Existing law, the Professional Land Surveyors' Act, provides for the licensing and regulation of professional land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. The act requires that land survey monuments be set sufficient in number and durability and efficiently placed so as not to be readily disturbed and to ensure the perpetuation or easy reestablishment of a survey point or line. The act makes a violation of its provisions a misdemeanor.

The Professional Engineers Act provides for the licensing and regulation of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. The act states the intent of the Legislature that the act's registration requirements that are imposed on private professional engineers are also imposed on public entities and requires that at least one registered engineer be designated the

person in responsible charge of professional engineering work for each branch of professional engineering practiced in any department or agency of the state, city, county, or city and county. The act makes a violation of its provisions a misdemeanor.

This bill would require that at least one person authorized to practice land surveying be designated the person in responsible charge of professional land surveying work practiced in any department or agency of the state, city, county, city and county, district, or special district. The bill would revise nomenclature associated with actions that affect land survey monuments. The bill would require that the governmental agency performing or permitting construction or maintenance work be responsible for ensuring that the landowner or governmental agency performing the work provides for monument perpetuation. The bill would require that the designated person in responsible charge of professional *civil* engineering work for a governmental entity, pursuant to the Professional Engineers Act, be responsible for the requirements associated with monuments under the Professional Land Surveyors' Act, as described above. By creating new duties for local officials and expanding the definition of a crime, the bill would impose a state-mandated local program.

(5) Existing law requires a person transacting business in the state under a fictitious name, as defined, to file, with the county clerk of the county where the business is located, a statement including specified information and to declare that the information is true and correct. Existing law requires that a registrant or an agent filing on behalf of a registrant present a California driver's license or other personal government identification acceptable to the county clerk to adequately determine the registrant's identity or agent's identity, as specified. Existing law authorizes the county clerk to require the registrant to complete and sign an affidavit of identity statement on a form prescribed by the county clerk, and to require an agent submitting the filings on behalf of a registrant to also complete and sign an affidavit of identity statement declaring that the registrant has authorized the agent to make the filings on behalf of the registrant. Existing law requires a registrant that is a corporation, limited liability company, or limited liability partnership, and that is required by the county clerk to file an affidavit of identity statement, to submit with its affidavit a certificate of status issued by the Secretary of State certifying to that business entity's existence and good standing.

This bill would instead authorize the county clerk to require a registrant that is a corporation, limited partnership, limited liability company, or limited liability partnership to submit documentary evidence issued by the Secretary of State indicating the current existence and good standing of that business entity, deemed acceptable by the county clerk, with a notarized affidavit of identity. The bill would further authorize the county clerk to require an agent filing on behalf of the registrant to submit a notarized statement signed by the registrant declaring the registrant has authorized the agent to submit the filing. The bill would also make clarifying changes to these provisions.

(6) Existing law defines and regulates the activities of professional photocopiers, as defined. Existing law requires a professional photocopier to be registered by the county clerk, and provides that a certificate of registration is effective for a 2-year period. Existing law also requires at least one person involved in the management of a professional photocopier to be a licensed notary public. Failure to comply with these provisions is a misdemeanor.

This bill would require the notary commission to remain valid during the 2-year period that the professional photocopier's certificate of registration is effective. The bill would also require the registrant to notify the county clerk and provide an updated valid notary commission if the commission expires prior to the expiration of the certificate of registration. By expanding a crime, the bill would create a state-mandated local program.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(8) Existing constitutional provisions require that a statute that limits the right of access to meetings of public bodies or the writings of public officials and agencies be adopted with findings and declarations demonstrating the interest protected by that limitation and the need for protecting that interest.

This bill would make a legislative finding and declaration relating to the necessity of treating as confidential electronic mail addresses

provided to the California Board of Accountancy in order to protect the privacy of those individuals applying for a certified public accountant license.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that in order  
2 to protect the privacy of those individuals applying for a certified  
3 public accountant license, it is necessary that electronic mail  
4 addresses provided to the California Board of Accountancy  
5 pursuant to Sections 3 and 4 of this act be confidential.

6 SEC. 2. Section 5000 of the Business and Professions Code is  
7 amended to read:

8 5000. (a) There is in the Department of Consumer Affairs the  
9 California Board of Accountancy, which consists of 15 members,  
10 7 of whom shall be licensees, and 8 of whom shall be public  
11 members who shall not be licentiates of the board or registered by  
12 the board. The board has the powers and duties conferred by this  
13 chapter.

14 (b) The Governor shall appoint four of the public members, and  
15 the seven licensee members as provided in this section. The Senate  
16 Committee on Rules and the Speaker of the Assembly shall each  
17 appoint two public members. In appointing the seven licensee  
18 members, the Governor shall appoint individuals representing a  
19 cross section of the accounting profession.

20 (c) This section shall remain in effect only until January 1, 2016,  
21 and as of that date is repealed, unless a later enacted statute, that  
22 is enacted before January 1, 2016, deletes or extends that date.

23 (d) Notwithstanding any other provision of law, the repeal of  
24 this section renders the board subject to review by the appropriate  
25 policy committees of the Legislature. However, the review of the  
26 board shall be limited to reports or studies specified in this chapter  
27 and those issues identified by the appropriate policy committees  
28 of the Legislature and the board regarding the implementation of  
29 new licensing requirements.

30 SEC. 3. Section 5070 of the Business and Professions Code is  
31 amended to read:

1     5070. (a) Permits to engage in the practice of public  
2     accountancy in this state shall be issued by the board only to  
3     holders of the certificate of certified public accountant issued under  
4     this chapter and to those partnerships, corporations, and other  
5     persons who, upon application approved by the board, are  
6     registered with the board under this chapter. Notwithstanding any  
7     other law, the board may register an entity organized and authorized  
8     to practice public accountancy under the laws of another state for  
9     the purpose of allowing that entity to satisfy the registration  
10    requirement set forth in Section 5096.12, if (1) the certified public  
11    accountants providing services in California qualify for the practice  
12    privilege, and (2) the entity satisfies all other requirements to  
13    register in this state, other than its form of legal organization.

14    (b) All applicants for registration shall furnish satisfactory  
15    evidence that the applicant is entitled to registration and shall pay  
16    the fee as provided in Article 8 (commencing with Section 5130).  
17    Every partnership, corporation, and other person to whom a permit  
18    is issued shall, in addition to any other fee that may be payable,  
19    pay the initial permit fee provided in Article 8 (commencing with  
20    Section 5130).

21    (c) The board may collect, but shall not require, a valid  
22    electronic mail address at the time of application for a certified  
23    public accountant license. In the interest of protecting an  
24    applicant's privacy, the electronic mail address shall not be  
25    considered a public record and shall not be disclosed pursuant to  
26    Section 27 or pursuant to a request under the California Public  
27    Records Act (Chapter 3.5 (commencing with Section 6250) of  
28    Division 7 of Title 1 of the Government Code), unless required  
29    pursuant to a court order by a court of competent jurisdiction.

30    (d) Each partnership, corporation, and other person issued a  
31    permit by the board to practice as a certified public accountant or  
32    as a public accountant shall be furnished with a suitable certificate  
33    evidencing that registration.

34    SEC. 4. Section 5070.5 of the Business and Professions Code  
35    is amended to read:

36    5070.5. (a) (1) A permit issued under this chapter to a certified  
37    public accountant or a public accountant expires at 12 midnight  
38    on the last day of the month of the legal birthday of the licensee  
39    during the second year of a two-year term if not renewed.



1 (2) To renew an unexpired permit, a permit holder shall, before  
2 the time at which the permit would otherwise expire, apply for  
3 renewal on a form prescribed by the board, pay the renewal fee  
4 prescribed by this chapter, and give evidence satisfactory to the  
5 board that he or she has complied with the continuing education  
6 provisions of this chapter.

7 (3) The board may collect, but shall not require, a valid  
8 electronic mail address on the renewal form described in paragraph  
9 (1). In the interest of protecting an applicant's privacy, the  
10 electronic mail address shall not be considered a public record and  
11 shall not be disclosed pursuant to Section 27 or pursuant to a  
12 request under the California Public Records Act (Chapter 3.5  
13 (commencing with Section 6250) of Division 7 of Title 1 of the  
14 Government Code), unless required pursuant to a court order by  
15 a court of competent jurisdiction.

16 (b) A permit to practice as an accountancy partnership or an  
17 accountancy corporation expires at 12 midnight on the last day of  
18 the month in which the permit was initially issued during the  
19 second year of a two-year term if not renewed. To renew an  
20 unexpired permit, the permit holder shall, before the time at which  
21 the permit would otherwise expire, apply for renewal on a form  
22 prescribed by the board, pay the renewal fee prescribed by this  
23 chapter, and provide evidence satisfactory to the board that the  
24 accountancy partnership or accountancy corporation is in  
25 compliance with this chapter.

26 SEC. 5. Section 5093 of the Business and Professions Code is  
27 amended to read:

28 5093. (a) To qualify for the certified public accountant license,  
29 an applicant who is applying under this section shall meet the  
30 education, examination, and experience requirements specified in  
31 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to  
32 this article. The board may adopt regulations as necessary to  
33 implement this section.

34 (b) (1) An applicant for admission to the certified public  
35 accountant examination under this section shall present satisfactory  
36 evidence that the applicant has completed a baccalaureate or higher  
37 degree conferred by a degree-granting university, college, or other  
38 institution of learning accredited by a regional or national  
39 accrediting agency included in a list of these agencies published  
40 by the United States Secretary of Education under the requirements

1 of the federal Higher Education Act of 1965 as amended (20 U.S.C.  
2 Sec. 1001 et seq.), or meeting, at a minimum, the standards  
3 described in subdivision (c) of Section 5094. The total educational  
4 program shall include a minimum of 24 semester units in  
5 accounting subjects and 24 semester units in business-related  
6 subjects. This evidence shall be provided at the time of application  
7 for admission to the examination, except that an applicant who  
8 applied, qualified, and sat for at least two subjects of the  
9 examination for the certified public accountant license before May  
10 15, 2002, may provide this evidence at the time of application for  
11 licensure.

12 (A) An applicant enrolled in a program at an institution as  
13 described in this paragraph that grants conferral of a baccalaureate  
14 degree upon completion of the 150 semester units required by  
15 paragraph (2) of this subdivision may satisfy the requirements of  
16 this paragraph if the applicant's institution mails the applicant's  
17 official transcript or its equivalent together or separately with a  
18 letter signed by the institution's registrar, or its equivalent, directly  
19 to the board pursuant to subdivision (c) of Section 5094. The letter  
20 shall include all of the following:

21 (i) A statement that the applicant is enrolled and in good  
22 standing in a program that will result in the conferral of a  
23 baccalaureate degree upon completion of either a master's degree  
24 or the 150 semester units required by paragraph (2) of this  
25 subdivision.

26 (ii) A statement that the applicant has completed all  
27 requirements, including general education and elective  
28 requirements, for a baccalaureate degree and the only reason the  
29 college or university has yet to confer the degree is because the  
30 applicant is enrolled in a program that confers a baccalaureate  
31 degree upon completion of either a master's degree or the 150  
32 semester units required by paragraph (2) of this subdivision.

33 (iii) The date on which the applicant met all of the college's or  
34 university's requirements for conferral of a baccalaureate degree.

35 (B) The total educational program for an applicant described in  
36 subparagraph (A) shall include a minimum of 24 semester units  
37 in accounting subjects and 24 semester units in business-related  
38 subjects. This evidence shall be provided at the time of application  
39 for admission to the examination, except that an applicant who  
40 applied, qualified, and sat for at least two subjects of the

1 examination for the certified public accountant license before May  
2 15, 2002, may provide this evidence at the time of application for  
3 licensure.

4 (2) An applicant for issuance of the certified public accountant  
5 license under this section shall present satisfactory evidence that  
6 the applicant has completed at least 150 semester units of college  
7 education, including a baccalaureate or higher degree conferred  
8 by a college or university, meeting, at a minimum, the standards  
9 described in Section 5094, the total educational program to include  
10 a minimum of 24 semester units in accounting subjects, 24 semester  
11 units in business-related subjects, and, after December 31, 2013,  
12 shall also include a minimum of 10 units of ethics study consistent  
13 with the requirements set forth in Section 5094.3 and 20 units of  
14 accounting study consistent with the regulations promulgated under  
15 subdivision (c) of Section 5094.6. This evidence shall be presented  
16 at the time of application for the certified public accountant license.  
17 Nothing in this paragraph shall be deemed inconsistent with Section  
18 5094 or 5094.6. Nothing in this paragraph shall be construed to  
19 be inconsistent with prevailing academic practice regarding the  
20 completion of units.

21 (c) An applicant for the certified public accountant license shall  
22 pass an examination prescribed by the board.

23 (d) (1) The applicant shall show, to the satisfaction of the board,  
24 that the applicant has had one year of qualifying experience. This  
25 experience may include providing any type of service or advice  
26 involving the use of accounting, attest, compilation, management  
27 advisory, financial advisory, tax, or consulting skills.

28 (2) To be qualifying under this section, experience shall have  
29 been performed in accordance with applicable professional  
30 standards. Experience in public accounting shall be completed  
31 under the supervision or in the employ of a person licensed or  
32 otherwise having comparable authority under the laws of any state  
33 or country to engage in the practice of public accountancy.  
34 Experience in private or governmental accounting or auditing shall  
35 be completed under the supervision of an individual licensed by  
36 a state to engage in the practice of public accountancy.

37 (3) Notwithstanding paragraph (2), the board may, by regulation,  
38 allow experience in academia to be qualifying under this section.

39 (e) Applicants completing education at a college or university  
40 located outside of this state, meeting, at a minimum, the standards

described in Section 5094, shall be deemed to meet the educational requirements of this section if the board determines that the education is substantially equivalent to the standards of education specified under this chapter.

(f) An applicant who has successfully passed the examination requirement specified under Section 5082 on or before December 31, 2013, may qualify for the certified public accountant license without satisfying the 10 semester units of study set forth in Section 5094.3 or 20 semester units of accounting study consistent with the regulations promulgated under Section 5094.6, if the applicant completes all other requirements for the issuance of a license on or before December 31, 2015.

SEC. 6. Section 5096 of the Business and Professions Code, as amended by Section 3 of Chapter 319 of the Statutes of 2013, is amended to read:

5096. (a) An individual whose principal place of business is not in this state and who has a valid and current license, certificate, or permit to practice public accountancy from another state may, subject to the conditions and limitations in this article, engage in the practice of public accountancy in this state under a practice privilege without obtaining a certificate or license under this chapter if the individual satisfies one of the following:

(1) The individual has continually practiced public accountancy as a certified public accountant under a valid license issued by any state for at least 4 of the last 10 years.

(2) The individual has a license, certificate, or permit from a state that has been determined by the board to have education, examination, and experience qualifications for licensure substantially equivalent to this state's qualifications under Section 5093.

(3) The individual possesses education, examination, and experience qualifications for licensure that have been determined by the board to be substantially equivalent to this state's qualifications under Section 5093.

(b) The board may designate states as substantially equivalent under paragraph (2) of subdivision (a) and may accept individual qualification evaluations or appraisals conducted by designated entities, as satisfying the requirements of paragraph (3) of subdivision (a).

1 (c) An individual who qualifies for the practice privilege under  
2 this section may engage in the practice of public accountancy in  
3 this state, and a notice, fee, or other requirement shall not be  
4 imposed on that individual by the board.

5 (d) An individual who qualifies for the practice privilege under  
6 this section may perform the following services only through a  
7 firm of certified public accountants that has obtained a registration  
8 from the board pursuant to Section 5096.12:

9 (1) An audit or review of a financial statement for an entity  
10 headquartered in California.

11 (2) A compilation of a financial statement when that person  
12 expects, or reasonably might expect, that a third party will use the  
13 financial statement and the compilation report does not disclose a  
14 lack of independence for an entity headquartered in California.

15 (3) An examination of prospective financial information for an  
16 entity headquartered in California.

17 (e) An individual who holds a practice privilege under this  
18 article, and is exercising the practice privilege in California:

19 (1) Is subject to the personal and subject matter jurisdiction and  
20 disciplinary authority of the board and the courts of this state.

21 (2) Shall comply with the provisions of this chapter, board  
22 regulations, and other laws, regulations, and professional standards  
23 applicable to the practice of public accountancy by the licensees  
24 of this state and to any other laws and regulations applicable to  
25 individuals practicing under practice privileges in this state, except  
26 the individual is deemed, solely for the purpose of this article, to  
27 have met the continuing education requirements and ethics  
28 examination requirements of this state when the individual has  
29 met the examination and continuing education requirements of the  
30 state in which the individual holds the valid license, certificate, or  
31 permit on which the substantial equivalency is based.

32 (3) Shall not provide public accountancy services in this state  
33 from any office located in this state, except as an employee of a  
34 firm registered in this state. This paragraph does not apply to public  
35 accountancy services provided to a client at the client's place of  
36 business or residence.

37 (4) Is deemed to have appointed the regulatory agency of the  
38 state that issued the individual's certificate, license, or permit upon  
39 which substantial equivalency is based as the individual's agent

1 on whom notices, subpoenas, or other process may be served in  
2 any action or proceeding by the board against the individual.

3 (5) Shall cooperate with any board investigation or inquiry and  
4 shall timely respond to a board investigation, inquiry, request,  
5 notice, demand, or subpoena for information or documents and  
6 timely provide to the board the identified information and  
7 documents.

8 (6) Shall cease exercising the practice privilege in this state if  
9 the regulatory agency in the state in which the individual's  
10 certificate, license, or permit was issued takes disciplinary action  
11 resulting in the suspension or revocation, including stayed  
12 suspension, stayed revocation, or probation of the individual's  
13 certificate, license, or permit, or takes other disciplinary action  
14 against the individual's certificate, license, or permit that arises  
15 from any of the following:

16 (A) Gross negligence, recklessness, or intentional wrongdoing  
17 relating to the practice of public accountancy.

18 (B) Fraud or misappropriation of funds.

19 (C) Preparation, publication, or dissemination of false,  
20 fraudulent, or materially incomplete or misleading financial  
21 statements, reports, or information.

22 (7) Shall cease exercising the practice privilege in this state if  
23 convicted in any jurisdiction of any crime involving dishonesty,  
24 including, but not limited to, embezzlement, theft, misappropriation  
25 of funds or property, or obtaining money, property, or other  
26 valuable consideration by fraudulent means or false pretenses.

27 (8) Shall cease exercising the practice privilege if the United  
28 States Securities and Exchange Commission or the Public Company  
29 Accounting Oversight Board bars the individual from practicing  
30 before them.

31 (9) Shall cease exercising the practice privilege if any  
32 governmental body or agency suspends the right of the individual  
33 to practice before the body or agency.

34 (10) Shall report to the board in writing any pending criminal  
35 charges, other than for a minor traffic violation, in any jurisdiction  
36 within 30 days of the date the individual has knowledge of those  
37 charges.

38 (f) An individual who is required to cease practice pursuant to  
39 paragraphs (6) to (9), inclusive, of subdivision (e) shall notify the  
40 board within 15 calendar days, on a form prescribed by the board,

1 and shall not practice public accountancy in this state pursuant to  
2 this section until he or she has received from the board written  
3 permission to do so.

4 (g) An individual who fails to cease practice as required by  
5 subdivision (e) or who fails to provide the notice required by  
6 subdivision (f) shall be subject to the personal and subject matter  
7 jurisdiction and disciplinary authority of the board as if the practice  
8 privilege were a license and the individual were a licensee. An  
9 individual in violation of subdivision (e) or (f) shall, for a minimum  
10 of one year from the date the board learns there has been a violation  
11 of subdivision (e) or (f), not practice in this state and shall not have  
12 the possibility of reinstatement during that period. If the board  
13 determines that the failure to cease practice or provide the notice  
14 was intentional, that individual's practice privilege shall be revoked  
15 and there shall be no possibility of reinstatement for a minimum  
16 of two years.

17 (h) The board shall require an individual who provides notice  
18 to the board pursuant to subdivision (f) to cease the practice of  
19 public accountancy in this state until the board provides the  
20 individual with written permission to resume the practice of public  
21 accountancy in this state.

22 (i) (1) An individual to whom, within the last seven years  
23 immediately preceding the date on which he or she wishes to  
24 practice in this state, any of the following criteria apply, shall notify  
25 the board, on a form prescribed by the board, and shall not practice  
26 public accountancy in this state pursuant to this section until the  
27 board provides the individual with written permission to do so:

28 (A) He or she has been the subject of any final disciplinary  
29 action by the licensing or disciplinary authority of any other  
30 jurisdiction with respect to any professional license or has any  
31 charges of professional misconduct pending against him or her in  
32 any other jurisdiction.

33 (B) He or she has had his or her license in another jurisdiction  
34 reinstated after a suspension or revocation of the license.

35 (C) He or she has been denied issuance or renewal of a  
36 professional license or certificate in any other jurisdiction for any  
37 reason other than an inadvertent administrative error.

38 (D) He or she has been convicted of a crime or is subject to  
39 pending criminal charges in any jurisdiction other than a minor  
40 traffic violation.

1 (E) He or she has otherwise acquired a disqualifying condition  
2 as described in subdivision (a) of Section 5096.2.

3 (2) An individual who fails to cease practice as required by  
4 subdivision (e) or who fails to provide the notice required by  
5 paragraph (1) shall be subject to the personal and subject matter  
6 jurisdiction and disciplinary authority of the board as if the practice  
7 privilege were a license and the individual were a licensee. An  
8 individual in violation of subdivision (e) or paragraph (1) shall,  
9 for a minimum of one year from the date the board knows there  
10 has been a violation of subdivision (e) or paragraph (1), not practice  
11 in this state and shall not have the possibility of reinstatement  
12 during that period. If the board determines that the failure to cease  
13 practice or provide the notice was intentional, that individual shall  
14 be prohibited from practicing in this state in the same manner as  
15 if a licensee has his or her practice privilege revoked and there  
16 shall be no possibility of reinstatement for a minimum of two years.

17 (j) This section shall remain in effect only until January 1, 2019,  
18 and as of that date is repealed, unless a later enacted statute, that  
19 is enacted before January 1, 2019, deletes or extends that date.

20 SEC. 7. Section 5096.4 of the Business and Professions Code,  
21 as added by Section 20 of Chapter 411 of the Statutes of 2012, is  
22 amended to read:

23 5096.4. (a) The right of an individual to practice in this state  
24 under a practice privilege may be administratively suspended at  
25 any time by an order issued by the board or its executive officer,  
26 without prior notice or hearing, for the purpose of conducting a  
27 disciplinary investigation, proceeding, or inquiry concerning the  
28 individual's competence or qualifications to practice under practice  
29 privileges, failure to timely respond to a board inquiry or request  
30 for information or documents, or under other conditions and  
31 circumstances provided for by board regulation. The board shall  
32 consult the Public Company Accounting Oversight Board and the  
33 United States Securities and Exchange Commission at least once  
34 every six months to identify out-of-state licensees who may have  
35 disqualifying conditions or who may be obliged to cease practice,  
36 and shall disclose, pursuant to this subdivision, whether those  
37 out-of-state licensees are lawfully permitted to exercise the  
38 privilege. Disclosure of this information shall not be considered  
39 discipline.



1 (b) The administrative suspension order is immediately effective  
2 when mailed to the individual's address of record or agent for  
3 notice and service as provided for in this article.

4 (c) The administrative suspension order shall contain the  
5 following:

6 (1) The reason for the suspension.

7 (2) A statement that the individual has the right, within 30 days,  
8 to appeal the administrative suspension order and request a hearing.

9 (3) A statement that any appeal hearing will be conducted under  
10 the provisions of the Administrative Procedure Act (Chapter 3.5  
11 (commencing with Section 11340) of Part 1 of Division 3 of Title  
12 2 of the Government Code) applicable to individuals who are  
13 denied licensure, including the filing of a statement of issues by  
14 the board setting forth the reasons for the administrative suspension  
15 of practice privileges and specifying the statutes and rules with  
16 which the individual must show compliance by producing proof  
17 at the hearing and in addition any particular matters that have come  
18 to the attention of the board and that would authorize the  
19 administrative suspension, or the revocation of practice privileges.

20 (d) The burden is on the holder of the suspended practice  
21 privilege to establish both qualification and fitness to practice  
22 under practice privileges.

23 (e) The administrative suspension shall continue in effect until  
24 terminated by an order of the board or the executive officer.

25 (f) Administrative suspension is not discipline and shall not  
26 preclude any individual from applying for a license to practice  
27 public accountancy in this state.

28 (g) Proceedings to appeal an administrative suspension order  
29 may be combined or coordinated with proceedings for revocation  
30 or discipline of a practice privilege.

31 (h) This section shall become operative on July 1, 2013.

32 (i) This section shall remain in effect only until January 1, 2019,  
33 and as of that date is repealed, unless a later enacted statute, that  
34 is enacted before January 1, 2019, deletes or extends that date.

35 SEC. 8. Section 5096.4 of the Business and Professions Code,  
36 as added by Section 21 of Chapter 411 of the Statutes of 2012, is  
37 amended to read:

38 5096.4. (a) The right of an individual to practice in this state  
39 under a practice privilege may be administratively suspended at  
40 any time by an order issued by the board or its executive officer,

1 without prior notice or hearing, for the purpose of conducting a  
2 disciplinary investigation, proceeding, or inquiry concerning the  
3 representations made in the notice, the individual's competence  
4 or qualifications to practice under practice privileges, failure to  
5 timely respond to a board inquiry or request for information or  
6 documents, or under other conditions and circumstances provided  
7 for by board regulation.

8 (b) The administrative suspension order is immediately effective  
9 when mailed to the individual's address of record or agent for  
10 notice and service as provided for in this article.

11 (c) The administrative suspension order shall contain the  
12 following:

13 (1) The reason for the suspension.

14 (2) A statement that the individual has the right, within 30 days,  
15 to appeal the administrative suspension order and request a hearing.

16 (3) A statement that any appeal hearing will be conducted under  
17 the Administrative Procedure Act (Chapter 3.5 (commencing with  
18 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
19 Code) applicable to individuals who are denied licensure, including  
20 the filing of a statement of issues by the board setting forth the  
21 reasons for the administrative suspension of practice privileges  
22 and specifying the statutes and rules with which the individual  
23 must show compliance by producing proof at the hearing and in  
24 addition any particular matters that have come to the attention of  
25 the board and that would authorize the administrative suspension,  
26 or the denial of practice privileges.

27 (d) The burden is on the holder of the suspended practice  
28 privilege to establish both qualification and fitness to practice  
29 under practice privileges.

30 (e) The administrative suspension shall continue in effect until  
31 terminated by an order of the board or the executive officer or  
32 expiration of the practice privilege under administrative suspension.

33 (f) Administrative suspension is not discipline and shall not  
34 preclude any individual from applying for a license to practice  
35 public accountancy in this state or from applying for a new practice  
36 privilege upon expiration of the one under administrative  
37 suspension, except that the new practice privilege shall not be  
38 effective until approved by the board.

1 (g) Notwithstanding any administrative suspension, a practice  
2 privilege expires one year from the date of notice unless a shorter  
3 period is set by board regulation.

4 (h) Proceedings to appeal an administrative suspension order  
5 may be combined or coordinated with proceedings for denial or  
6 discipline of a practice privilege.

7 (i) This section shall become operative on January 1, 2019.

8 SEC. 9. Section 6730.2 of the Business and Professions Code  
9 is amended to read:

10 6730.2. (a) It is the intent of the Legislature that the licensure  
11 requirements that are imposed upon private sector professional  
12 engineers and engineering partnerships, firms, or corporations  
13 shall be imposed upon the state and any city, county, or city and  
14 county that shall adhere to those requirements. Therefore, for the  
15 purposes of Section 6730 and this chapter, at least one licensed  
16 engineer shall be designated the person in responsible charge of  
17 professional engineering work for each branch of professional  
18 engineering practiced in any department or agency of the state,  
19 city, county, or city and county.

20 (b) Any department or agency of the state or any city, county,  
21 or city and county that has an unlicensed person in responsible  
22 charge of ~~civil~~ engineering work on January 1, 1985, shall be  
23 exempt from this requirement until that time as the person currently  
24 in responsible charge is replaced.

25 (c) The designated person in responsible charge of professional  
26 *civil* engineering work of any department or agency of the state,  
27 city, county, city and county, district, or special district pursuant  
28 to this section is responsible for compliance with subdivisions (b)  
29 and (c) of Section 8771.

30 SEC. 10. Section 6735 of the Business and Professions Code  
31 is amended to read:

32 6735. (a) All civil (including structural and geotechnical)  
33 engineering plans, calculations, specifications, and reports  
34 (hereinafter referred to as "documents") shall be prepared by, or  
35 under the responsible charge of, a licensed civil engineer and shall  
36 include his or her name and license number. Interim documents  
37 shall include a notation as to the intended purpose of the document,  
38 such as "preliminary," "not for construction," "for plan check  
39 only," or "for review only." All civil engineering plans and  
40 specifications that are permitted or that are to be released for

1 construction shall bear the signature and seal or stamp of the  
2 licensee and the date of signing and sealing or stamping. All final  
3 civil engineering calculations and reports shall bear the signature  
4 and seal or stamp of the licensee, and the date of signing and  
5 sealing or stamping. If civil engineering plans are required to be  
6 signed and sealed or stamped and have multiple sheets, the  
7 signature, seal or stamp, and date of signing and sealing or  
8 stamping shall appear on each sheet of the plans. If civil  
9 engineering specifications, calculations, and reports are required  
10 to be signed and sealed or stamped and have multiple pages, the  
11 signature, seal or stamp, and date of signing and sealing or  
12 stamping shall appear at a minimum on the title sheet, cover sheet,  
13 or signature sheet.

14 (b) (1) All civil engineering plans, calculations, specifications,  
15 and reports for the construction of structures described in paragraph  
16 (2) shall be prepared by, or under the responsible charge of, a  
17 licensed architect holding a valid certificate under Chapter 3  
18 (commencing with Section 5500) or a licensed civil engineer who  
19 is also licensed as a structural engineer in accordance with Section  
20 6736.

21 (2) All public school ~~facilities~~ *structures*, as provided under  
22 Chapter 3 (commencing with Section 17251) of Part 10.5 of  
23 Division 1 of Title 1 of the Education Code.

24 (c) (1) All civil engineering plans, calculations, specifications,  
25 and reports for the construction of the structures described in  
26 paragraph (2) shall be prepared by, or under the responsible charge  
27 of, a licensed civil engineer who is also licensed as a structural  
28 engineer in accordance with Section 6736.

29 (2) Hospitals and other medical facilities having surgery and  
30 emergency treatment areas, as provided under Part 7 (commencing  
31 with Section 129675) of Division 107 of the Health and Safety  
32 Code.

33 (d) Notwithstanding subdivision (a) or (b), a licensed civil  
34 engineer who signs civil engineering documents shall not be  
35 responsible for damage caused by subsequent changes to or uses  
36 of those documents, if the subsequent changes or uses, including  
37 changes or uses made by state or local governmental agencies, are  
38 not authorized or approved by the licensed civil engineer who  
39 originally signed the documents, provided that the engineering

1 service rendered by the civil engineer who signed the documents  
2 was not also a proximate cause of the damage.

3 SEC. 11. Section 6759 of the Business and Professions Code  
4 is amended to read:

5 6759. The board, upon application therefor, on its prescribed  
6 form, and the payment of the fee fixed by this chapter, may issue  
7 a certificate of registration as a professional engineer, without  
8 written examination, to any person holding a certificate of  
9 registration issued to him or her by any state or country when the  
10 applicant's qualifications meet the requirements of this chapter  
11 and rules established by the board. The board shall not require a  
12 comity applicant to meet any requirement not required of California  
13 applicants. For purposes of this section, equivalent second division  
14 examinations shall be written examinations prepared by or  
15 administered by a state or territory either by single or combined  
16 branch at the level generally administered by the board to persons  
17 who passed or were exempted from the first division examination.  
18 Applicants who have passed an equivalent second division  
19 combined branch or a single branch examination in a branch not  
20 recognized for registration in California shall be registered in the  
21 branch in which their experience and education indicate the closest  
22 relationship.

23 SEC. 12. Section 7842 of the Business and Professions Code  
24 is amended to read:

25 7842. An applicant for certification in a specialty in geology  
26 shall meet all of the requirements of Section 7841 and, in addition,  
27 his or her seven years of professional geological work shall include  
28 one of the following:

29 (a) A minimum of three years performed under the supervision  
30 of a geologist certified in the specialty for which the applicant is  
31 seeking certification or under the supervision of a ~~registered~~  
32 *licensed* civil engineer if the applicant is seeking certification as  
33 an engineering geologist, except that prior to July 1, 1970,  
34 professional geological work shall qualify under this subdivision  
35 if it is performed under the supervision of a geologist qualified in  
36 the specialty for which the applicant is seeking certification or  
37 under the supervision of a ~~registered~~ *licensed* civil engineer if the  
38 applicant is seeking certification as an engineering geologist.

1 (b) A minimum of five years' experience in responsible charge  
2 of professional geological work in the specialty for which the  
3 applicant is seeking certification.

4 SEC. 13. Section 7860 of the Business and Professions Code  
5 is amended to read:

6 7860. (a) The board may, upon its own initiative or upon the  
7 receipt of a complaint, investigate the actions of any professional  
8 geologist or geophysicist, and make findings thereon.

9 (b) By a majority vote, the board may publicly reprove, suspend  
10 for a period not to exceed two years, or revoke the certificate of  
11 any geologist or geophysicist registered hereunder, on any of the  
12 following grounds:

13 (1) Conviction of a crime substantially related to the  
14 qualifications, functions, or duties of a geologist or geophysicist.

15 (2) Misrepresentation, fraud, or deceit by a geologist or  
16 geophysicist in his or her practice.

17 (3) Negligence or incompetence by a geologist or geophysicist  
18 in his or her practice.

19 (4) Violation of any contract undertaken in the capacity of a  
20 geologist or geophysicist.

21 (5) Fraud or deceit in obtaining a certificate to practice as a  
22 geologist or geophysicist.

23 (c) By a majority vote, the board may publicly reprove, suspend  
24 for a period not to exceed two years, or may revoke the certificate  
25 of any geologist or geophysicist registered under this chapter, for  
26 unprofessional conduct. Unprofessional conduct includes, but is  
27 not limited to, any of the following:

28 (1) Aiding or abetting any person in a violation of this chapter  
29 or any regulation adopted by the board pursuant to this chapter.

30 (2) Violating this chapter or any regulation adopted by the board  
31 pursuant to this chapter.

32 (3) Conduct in the course of practice as a geologist or  
33 geophysicist that violates professional standards adopted by the  
34 board.

35 SEC. 14. Section 7864 is added to the Business and Professions  
36 Code, to read:

37 7864. (a) A petitioner may petition the board for reinstatement  
38 or modification of penalty, including reduction, modification, or  
39 termination of probation, after the following minimum periods  
40 have elapsed from the effective date of the decision ordering the

1 disciplinary action, or if the order of the board or any portion of  
2 it is stayed by a court, from the date the disciplinary action is  
3 actually implemented in its entirety:

4 (1) Except as otherwise provided in this section, at least three  
5 years for reinstatement of a certificate that was revoked or  
6 surrendered. However, the board may, in its sole discretion, specify  
7 in its order of revocation or surrender a lesser period of time that  
8 shall be at a minimum of one year.

9 (2) At least two years for early termination of a probation period  
10 of three years or more.

11 (3) At least one year for early termination of a probation period  
12 of less than three years.

13 (4) At least one year for reduction or modification of a condition  
14 of probation.

15 (b) The board shall notify the Attorney General of the filing of  
16 the petition. The petitioner and the Attorney General shall be given  
17 timely notice by letter of the time and place of the hearing on the  
18 petition, and the petitioner and the Attorney General shall be given  
19 the opportunity to present both oral and documentary evidence  
20 and argument to the board. The petitioner shall at all times have  
21 the burden of proof to establish by clear and convincing evidence  
22 that he or she is entitled to the relief sought in the petition.

23 (c) The board itself or an administrative law judge, if one is  
24 designated by the board, shall hear the petition and shall prepare  
25 a written decision setting forth the reasons supporting the decision.

26 (d) The board may grant or deny the petition or may impose  
27 any terms and conditions that it reasonably deems appropriate as  
28 a condition of reinstatement or reduction or modification of the  
29 penalty.

30 (e) A petition shall not be considered while the petitioner is  
31 under sentence for any criminal offense, including any period  
32 during which the petitioner is on court-imposed probation or parole.  
33 A petition shall not be considered while there is an accusation or  
34 petition to revoke probation pending against the petitioner.

35 (f) The board may, in its discretion, deny without hearing or  
36 argument any petition that is filed pursuant to this section within  
37 a period of two years from the effective date of a prior decision  
38 following a hearing under this section.

39 (g) Judicial review of the board's decision following a hearing  
40 under this section may be sought by way of a petition for writ of

1 administrative mandamus pursuant to Section 1094.5 of the Code  
2 of Civil Procedure. The party seeking to overturn the board's  
3 decision shall have the burden of proof in any mandamus  
4 proceeding. In the mandamus proceeding, if it is alleged that there  
5 has been an abuse of discretion because the board's findings are  
6 not supported by the evidence, abuse of discretion is established  
7 if the court determines that the findings are not supported by  
8 substantial evidence in light of the whole record.

9 (h) The following definitions shall apply for purposes of this  
10 section:

11 (1) "Certificate" includes a certificate of registration or license  
12 as a professional geologist or professional geophysicist or  
13 certification as a geologist-in-training.

14 (2) "Petitioner" means a professional geologist or professional  
15 geophysicist or a geologist-in-training whose certificate has been  
16 revoked, suspended, or surrendered or placed on probation.

17 SEC. 15. Section 8725.1 is added to the Business and  
18 Professions Code, to read:

19 8725.1. It is the intent of the Legislature that the licensure  
20 requirements that are imposed upon private sector professional  
21 land surveyors and land surveying partnerships, firms, or  
22 corporations shall be imposed upon the state and any city, county,  
23 city and county, district, and special district that shall adhere to  
24 those requirements. Therefore, for the purposes of Section 8725  
25 and this chapter, at least one person authorized to practice land  
26 surveying shall be designated the person in responsible charge of  
27 professional land surveying work practiced in any department or  
28 agency of the state, city, county, city and county, district, or special  
29 district.

30 SEC. 16. Section 8771 of the Business and Professions Code  
31 is amended to read:

32 8771. (a) Monuments set shall be sufficient in number and  
33 durability and efficiently placed so as not to be readily disturbed,  
34 to ensure, together with monuments already existing, the  
35 perpetuation or facile reestablishment of any point or line of the  
36 survey.

37 (b) When monuments exist that control the location of  
38 subdivisions, tracts, boundaries, roads, streets, or highways, or  
39 provide horizontal or vertical survey control, the monuments shall  
40 be located and referenced by or under the direction of a licensed



1 land surveyor or ~~registered~~ *licensed* civil engineer *legally*  
2 *authorized to practice land surveying*, prior to the time when any  
3 streets, highways, other rights-of-way, or easements are improved,  
4 constructed, reconstructed, maintained, resurfaced, or relocated,  
5 and a corner record or record of survey of the references shall be  
6 filed with the county surveyor.

7 (c) A permanent monument shall be reset in the surface of the  
8 new construction or a witness monument or monuments set to  
9 perpetuate the location if any monument could be destroyed,  
10 damaged, covered, disturbed, or otherwise obliterated, and a corner  
11 record or record of survey shall be filed with the county surveyor  
12 prior to the recording of a certificate of completion for the project.  
13 Sufficient controlling monuments shall be retained or replaced in  
14 their original positions to enable property, right-of-way and  
15 easement lines, property corners, and subdivision and tract  
16 boundaries to be reestablished without devious surveys necessarily  
17 originating on monuments differing from those that currently  
18 control the area.

19 (d) The governmental agency performing or permitting  
20 construction or maintenance work is responsible for ensuring that  
21 either the governmental agency or landowner performing the  
22 construction or maintenance work provides for monument  
23 perpetuation required by this section.

24 (e) It shall be the duty of every licensed land surveyor or  
25 licensed civil engineer legally authorized to practice land surveying  
26 to assist the governmental agency in matters of maps, field notes,  
27 and other pertinent records. Monuments set to mark the limiting  
28 lines of highways, roads, streets or right-of-way or easement lines  
29 shall not be deemed adequate for this purpose, unless specifically  
30 noted on the corner record or record of survey of the improvement  
31 works with direct ties in bearing or azimuth and distance between  
32 these and other monuments of record.

33 (f) The decision to file either a corner record or a record of  
34 survey as required by subdivision (b) or (c) shall be at the election  
35 of the licensed land surveyor or the licensed civil engineer legally  
36 authorized to practice land surveying submitting the document.

37 SEC. 17. Section 17901 of the Business and Professions Code  
38 is amended to read:

39 17901. As used in this chapter, “general partner” means:

(a) In the case of a partnership, a general partner, as defined in Section 15901.02 of the Corporations Code.

(b) In the case of an unincorporated association other than a partnership, a person interested in the business of the association whose liability with respect to the association is substantially the same as that of a general partner, as defined in Section 15901.02 of the Corporations Code.

SEC. 18. Section 17913 of the Business and Professions Code is amended to read:

17913. (a) The fictitious business name statement shall contain all of the information required by this subdivision and shall be substantially in the following form:

FICTITIOUS BUSINESS NAME STATEMENT

The following person (persons) is (are) doing business as

\* \_\_\_\_\_

at \*\* \_\_\_\_\_:

\*\*\* \_\_\_\_\_

This business is conducted by \*\*\*\* \_\_\_\_\_

The registrant commenced to transact business under the fictitious business name or names listed above on

\*\*\*\*\* \_\_\_\_\_

I declare that all information in this statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions Code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000).)

Registrant signature \_\_\_\_\_

Statement filed with the County Clerk of \_\_\_\_ County on \_\_\_\_\_

NOTICE—IN ACCORDANCE WITH SUBDIVISION (a) OF SECTION 17920, A FICTITIOUS NAME STATEMENT GENERALLY EXPIRES AT THE END OF FIVE YEARS FROM THE DATE ON WHICH IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK, EXCEPT, AS PROVIDED IN SUBDIVISION (b) OF SECTION 17920, WHERE IT EXPIRES 40 DAYS AFTER ANY CHANGE IN THE FACTS SET FORTH

1 IN THE STATEMENT PURSUANT TO SECTION 17913  
2 OTHER THAN A CHANGE IN THE RESIDENCE ADDRESS  
3 OF A REGISTERED OWNER. A NEW FICTITIOUS BUSINESS  
4 NAME STATEMENT MUST BE FILED BEFORE THE  
5 EXPIRATION.

6 THE FILING OF THIS STATEMENT DOES NOT OF ITSELF  
7 AUTHORIZE THE USE IN THIS STATE OF A FICTITIOUS  
8 BUSINESS NAME IN VIOLATION OF THE RIGHTS OF  
9 ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW  
10 (SEE SECTION 14411 ET SEQ., BUSINESS AND  
11 PROFESSIONS CODE).

12  
13 (b) The fictitious business name statement shall contain the  
14 following information set forth in the manner indicated in the form  
15 provided by subdivision (a):

16 (1) Where the asterisk (\*) appears in the form, insert the  
17 fictitious business name or names. Only those businesses operated  
18 at the same address and under the same ownership may be listed  
19 on one fictitious business name statement.

20 (2) Where the two asterisks (\*\*) appear in the form: If the  
21 registrant has a place of business in this state, insert the street  
22 address, and county, of his or her principal place of business in  
23 this state. If the registrant has no place of business in this state,  
24 insert the street address, and county, of his or her principal place  
25 of business outside this state.

26 (3) Where the three asterisks (\*\*\*) appear in the form: If the  
27 registrant is an individual, insert his or her full name and residence  
28 address. If the registrants are a married couple, insert the full name  
29 and residence address of both parties to the marriage. If the  
30 registrant is a general partnership, copartnership, joint venture, or  
31 limited liability partnership, insert the full name and residence  
32 address of each general partner. If the registrant is a limited  
33 partnership, insert the full name and residence address of each  
34 general partner. If the registrant is a limited liability company,  
35 insert the name and address of the limited liability company, as  
36 set out in its articles of organization on file with the California  
37 Secretary of State, and the state of organization. If the registrant  
38 is a trust, insert the full name and residence address of each trustee.  
39 If the registrant is a corporation, insert the name and address of  
40 the corporation, as set out in its articles of incorporation on file

1 with the California Secretary of State, and the state of  
2 incorporation. If the registrants are state or local registered  
3 domestic partners, insert the full name and residence address of  
4 each domestic partner. If the registrant is an unincorporated  
5 association other than a partnership, insert the name of each person  
6 who is interested in the business of the association and whose  
7 liability with respect to the association is substantially the same  
8 as that of a general partner.

9 (4) Where the four asterisks (\*\*\*\*) appear in the form, insert  
10 whichever of the following best describes the nature of the  
11 business: (i) “an individual,” (ii) “a general partnership,” (iii) “a  
12 limited partnership,” (iv) “a limited liability company,” (v) “an  
13 unincorporated association other than a partnership,” (vi) “a  
14 corporation,” (vii) “a trust,” (viii) “copartners,” (ix) “a married  
15 couple,” (x) “joint venture,” (xi) “state or local registered domestic  
16 partners,” or (xii) “a limited liability partnership.”

17 (5) Where the five asterisks (\*\*\*\*\* ) appear in the form, insert  
18 the date on which the registrant first commenced to transact  
19 business under the fictitious business name or names listed, if  
20 already transacting business under that name or names. If the  
21 registrant has not yet commenced to transact business under the  
22 fictitious business name or names listed, insert the statement, “Not  
23 applicable.”

24 (c) The registrant shall declare that all of the information in the  
25 fictitious business statement is true and correct. A registrant who  
26 declares as true any material matter pursuant to this section that  
27 the registrant knows to be false is guilty of a misdemeanor  
28 punishable by a fine not to exceed one thousand dollars (\$1,000).

29 (d) (1) At the time of filing of the fictitious business name  
30 statement, the registrant filing on behalf of the registrant shall  
31 present personal identification in the form of a California driver’s  
32 license or other government identification acceptable to the county  
33 clerk to adequately determine the identity of the registrant filing  
34 on behalf of the registrant as provided in subdivision (e) and the  
35 county clerk may require the registrant to complete and sign an  
36 affidavit of identity.

37 (2) In the case of a registrant utilizing an agent for submission  
38 of the registrant’s fictitious business name statement for filing, at  
39 the time of filing of the fictitious business name statement, the  
40 agent filing on behalf of the registrant shall present personal

1 identification in the form of a California driver's license or other  
2 government identification acceptable to the county clerk to  
3 adequately determine the identity of the agent filing on behalf of  
4 the registrant as provided in subdivision (e). The county clerk may  
5 also require the agent to submit a notarized statement signed by  
6 the registrant declaring the registrant has authorized the agent to  
7 submit the filing on behalf of the registrant.

8 (e) If the registrant is a corporation, a limited liability company,  
9 a limited partnership, or a limited liability partnership, the county  
10 clerk may require documentary evidence issued by the Secretary  
11 of State and deemed acceptable by the county clerk, indicating the  
12 current existence and good standing of that business entity to be  
13 attached to a completed and notarized affidavit of identity, for  
14 purposes of subdivision (d).

15 (f) The county clerk may require a registrant that mails a  
16 fictitious business name statement to a county clerk's office for  
17 filing to submit a completed and notarized affidavit of identity. A  
18 registrant that is a corporation, limited liability company, limited  
19 partnership, or limited liability partnership, if required by the  
20 county clerk to submit an affidavit of identity, shall also submit  
21 documentary evidence issued by the Secretary of State indicating  
22 the current existence and good standing of that business entity.

23 (g) A county clerk that chooses to establish procedures pursuant  
24 to this section shall prescribe the form of affidavit of identity for  
25 filing by a registrant in that county.

26 SEC. 19. Section 17914 of the Business and Professions Code  
27 is amended to read:

28 17914. The fictitious business name statement shall be signed  
29 as follows:

30 (a) If the registrant is an individual, by the individual.

31 (b) If the registrants are a married couple, by either party to the  
32 marriage.

33 (c) If the registrant is a general partnership, limited partnership,  
34 limited liability partnership, copartnership, joint venture, or  
35 unincorporated association other than a partnership, by a general  
36 partner.

37 (d) If the registrant is a limited liability company, by a manager  
38 or officer.

39 (e) If the registrant is a trust, by a trustee.

40 (f) If the registrant is a corporation, by an officer.

1 (g) If the registrant is a state or local registered domestic  
2 partnership, by one of the domestic partners.

3 SEC. 20. Section 17916 of the Business and Professions Code  
4 is amended to read:

5 17916. Presentation for filing of an original fictitious business  
6 name statement and one copy of the statement, with proper  
7 identification, accompanied by a completed and notarized affidavit  
8 of identity, if required by the county clerk, and other documents  
9 required in accordance with Section 17913, payment of the filing  
10 fee, and acceptance of the statement by the county clerk constitute  
11 filing under this chapter. The county clerk shall note on the copy  
12 the file number, the date of filing the original, and the date of  
13 expiration and shall certify and deliver the copy to the registrant  
14 or the registrant's agent.

15 SEC. 21. Section 22454 of the Business and Professions Code  
16 is amended to read:

17 22454. (a) At least one person involved in the management  
18 of a professional photocopier shall be required to hold a current  
19 commission from the Secretary of State as a notary public in this  
20 state. If the notary commission is held by someone other than the  
21 registrant, written confirmation from the notary authorizing the  
22 use of their commission for this registration is required.

23 (b) The professional photocopier shall maintain a valid notary  
24 commission during the entire period that the professional  
25 photocopier's certificate of registration is effective. The registrant  
26 shall notify the county clerk and provide an updated valid notary  
27 commission if the commission expires prior to the expiration of  
28 the certificate of registration.

29 SEC. 22. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution for certain  
31 costs that may be incurred by a local agency or school district  
32 because, in that regard, this act creates a new crime or infraction,  
33 eliminates a crime or infraction, or changes the penalty for a crime  
34 or infraction, within the meaning of Section 17556 of the  
35 Government Code, or changes the definition of a crime within the  
36 meaning of Section 6 of Article XIII B of the California  
37 Constitution.

38 However, if the Commission on State Mandates determines that  
39 this act contains other costs mandated by the state, reimbursement  
40 to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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